

STRUCTURAL PEST CONTROL

HOW TO COMPLY

Commercial For-Hire
Pesticide Applicators and Businesses



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Agricultural Resource Management
2811 Agriculture Drive
PO Box 8911
Madison, Wisconsin 53708-8911

(608) 224-4500
<http://datcp.wi.gov>



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INTRODUCTION

Use this “How to Comply” guide as a reference to the state statutes and administrative codes that are related to the structural pesticide application industry. It contains excerpts from state pesticide regulations that in effect in 2013.

Structural pesticide applications encompass the following purposes:

1. To protect stored, processed or manufactured products.
2. To control pests in or around food handling establishments, human dwellings, schools, institutions, industrial establishments, warehouses, grain elevators or like facilities, and the areas immediately adjacent to those facilities. It includes perimeter barrier treatments within 10 feet of a building or structure, to prevent or discourage pests from entering that building or structure. It also includes individuals making spot or directed applications to landscapes to control structural, household or nuisance pests such as ants, fleas, wasps, bees and hornets.
3. To control, as part of a public health program, pests other than mosquitoes, that have public or medical importance.

Federal Laws

Pesticides must be registered by the United States Environmental Protection Agency (EPA), and include EPA Registration number(s) and EPA Establishment number(s) on their label. Additionally, these products must be licensed for use within the State of Wisconsin.

No person may use a pesticide contrary to label directions or for an unlabeled purpose. The site of application must be specifically listed on the label. With the exception of termites, the pest need not be listed on the label. The applicator should evaluate the product for effectiveness on the pest s/he is managing. If you require assistance interpreting a label, contact the Department of Agriculture, Trade and Consumer Protection (DATCP) at (608) 224-4547. Follow label directions – The Label Is The Law.

Wisconsin Laws

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) enforces Wisconsin’s pesticide laws under Wis. Stat. § 94.67 to Wis. Stat. § 94.71, Plant Industry (the Wisconsin Pesticide Law). Wisconsin Administrative Code Related to the Structural Industry includes:

- Chapter ATCP 29, Pesticide Use and Control
- Chapter ATCP 30, Pesticide Product Restrictions
- Chapter ATCP 33, Pesticide Bulk Storage

All state statutes and administrative codes may be read in their entirety at the Wisconsin Legislature - Folio Site Directory web site: <https://docs.legis.wisconsin.gov/>

COMPLIANCE CHECKLIST FOR STRUCTURAL PESTICIDE APPLICATORS AND BUSINESSES

All of the elements in this checklist must be addressed to legally operate as a commercial structural pesticide application business Wisconsin. Details related to each element listed below are found on the pages noted from DATCP's "*Structural Pest Control Applications: How to Comply*" reference guide available at: http://datcp.wi.gov/Plants/Pesticides/Pest_Applicator_Pubs/index.aspx

- ☐ 1. **Certification:** Each individual who applies pesticides shall be certified within the appropriate pesticide certification category. Businesses that provide multiple services may require their applicators to become certified in two or more certifications categories in order to comply. Wis. Admin. Code § ATCP 29.31(1)-(16). **How to Comply Page: 5-7**

- ☐ 2. **Pesticide Business Location License (PBL):** Your business shall be licensed annually with DATCP (includes sole proprietors). Wis. Admin. Code § ATCP 29.20(1) **How to Comply Page: 8**

- ☐ 3. **Individual Commercial Applicator Licenses:** Each individual who applies pesticides for your business shall be licensed annually with DATCP. Wis. Admin. Code § ATCP 29.25(1) **How to Comply Page: 9**

- ☐ 4. **Pre-Application Information:** You shall provide residential customers pre-application information, in writing, *before* the first pesticide application is made. Wis. Admin. Code ATCP 29.55(2) **How to Comply Page: 11**

- ☐ 5. **Notice to Residents:** Specific application information shall be provided to residents. Wis. Admin. Code ATCP 29.55 **How to Comply Page: 12**

- ☐ 6. **Warning Signs at Application Sites:** There are requirements for posting specific warning information. Wis. Admin. Code ATCP 29.52 **How to Comply Page: 12-13**

- ☐ 7. **Post-Application Information:** After making a pesticide application, specific information must be provided to the customer. Wis. Admin. Code ATCP 29.22 **How to Comply Page: 13**

- ☐ 8. **Pesticide Application Records:**
Pesticide Business Locations: Pesticide businesses shall maintain complete records for all pesticide applications for a period of 2 years. Wis. Admin. Code § ATCP 29.21(1) **How to Comply Page: 14**
Individual Applicator Records: Individual applicators must maintain complete records for all pesticide applications for a period of 2 years. Wis. Admin. Code § ATCP 29.33(1) **How to Comply Page: 14**

- ☐ 9. **Spot Turf and Landscape Pesticide Applications:** Structural applicators making *turf and landscape pesticide applications* must comply with the specific landscape pesticide rules including: the Landscape Registry, pre and post-application information, information to other parties and, posting warning signs. Refer to the Turf & Landscape How to Comply Manual for landscape requirements: http://datcp.wi.gov/Plants/Pesticides/Pest_Applicator_Pubs/index.aspx

CERTIFICATION CATEGORY DESCRIPTIONS

Commercial applicators demonstrate competence in the use and handling of pesticides by passing a written closed book certification examination. Individuals shall be competent in the use and application of pesticides in each certification category relevant to their pesticide use. Structural pest control businesses that provide multiple services may require their employees to have more than one certification in order to comply with Wis. Adm. Code §§ ATPCP 29.31(1)-(16). Some of the different certification categories and the types of applications allowed under each category follow.

Industrial, Institutional, Structural and Health-Related Pest Control; General (7.1).

Wis. Adm. Code § ATPCP 29.31(11)

Individuals who use or direct the use of pesticides for any of the following purposes:

1. To protect stored, processed or manufactured products.
2. To control pests in or around food handling establishments, human dwellings, schools, institutions, industrial establishments, warehouses, grain elevators or like facilities, or the areas immediately adjacent to those facilities. It includes individuals making perimeter barrier treatments, within 10 feet of a building or structure, to prevent or discourage structural pests from entering that building or structure. It also includes individuals making spot or directed applications to landscapes to control structural, household or nuisance pests such as ants, fleas, wasps, bees and hornets. It does not include individuals making applications to control pests of turf or ornamentals, nor does it include individuals making applications to control mosquitoes.
3. To control, as part of a public health program, pests other than mosquitoes which have public health or medical importance.
4. Applicators may conduct spot or directed applications greater than 10 feet from a structure to control structural or household nuisance pests such as ants, fleas, wasps, bees and hornets. However, when this type of application is made, this is considered a "landscape setting" and all landscape posting and landscape registry requirements apply.

Fumigation: Spaces and Commodities (7.2). s. ATPCP 29.31(12), Wis. Adm. Code

Individuals who use or direct the use of fumigant pesticides to control pests in industrial, institutional or structural settings, or for health-related purposes. It includes individuals who apply fumigants by means of general, spot, tarpaulin, chamber, vehicle or in-transit fumigation, or who aerate or ventilate fumigated spaces. It does not include individuals who use or direct the use of soil fumigants.

Termite Control (7.3). s. ATPCP 29.31(14), Wis. Adm. Code

Individuals who use or direct the use of pesticides to prevent or control termites.

Wood Preservation (7.4). s. ATPCP 29.31(15), Wis. Adm. Code

Individuals who use pesticides for wood treatment to preserve and protect wood or wood-based materials against damage from insects, fungi, surface molds and mildew, marine crustaceans, shipworms and other pests. Note that use of anti-fouling paint pesticides to preserve and protect boat hulls and similar objects requires certification in the Antifouling Paint Certification Category (5.1).

Sewer Root Control (7.5). s. ATPCP 29.31(13), Wis. Adm. Code

Individuals who use or metam sodium or other fumigants to control root growth in sewers.

Livestock and Poultry Pest Control (1.3). s. ATPCP 29.31(3), Wis. Adm. Code

Individuals who use or direct the use of pesticides to do either of the following:

1. Control pests on agricultural animals such as livestock, poultry or horses.
2. Control pests other than birds and rodents in places, other than human habitations, where agricultural animals are confined.

Turf and Landscape Pest Control (3.0). s. ATPCP 29.31(5), Wis. Adm. Code

Individuals who use or direct the use of pesticides to control pests affecting turf or landscape areas.

Certification Requirement for Applications on Public School Properties. Wis. Stats. § 94.715(2)(dm)

The application of any pesticide on school grounds (K-12) can only be done by individuals who are certified in the applicable pesticide use category. For more information visit:

http://datcp.wi.gov/Plants/Pesticides/School_IPM/index.aspx

Reciprocal Commercial Applicator Certification Wis. Adm. Code ATP 29.26

An individual who has certified by passing closed book commercial applicator exam in another state within the past 5 may seek reciprocal certification from Wisconsin if 1) the individual has never had his certification suspended or revoked, and 2) the other states certification standards are equivalent to Wisconsin's. Reciprocal certification expires on December 31 of the year in which it was issued.

Trainee Registration Wis. Adm. Code § ATP 29.32

A licensed pesticide application business that is training an employee to become a certified and licensed pesticide applicator may register the employee as a trainee. A registered trainee may temporarily engage in activities for which a license and certification are required if those activities are reasonably necessary for the training. Trainee registration cannot be used for temporary certification after a trainee has failed a certification exam.

Trainee registration expires 30 days after it is issued and an employer may not register a trainee more than once in the same category. DATCP expects the trainee to take the certification exam during or immediately after the 30 day trainee timeframe. If after 30 days a trainee has not successfully passed the commercial applicator certification examination, the trainee may not re-register within the original category, for temporary registration. The application is available at:

http://datcp.wi.gov/Plants/Pesticides/Licenses/Commercial_Applicator_Certification/index.aspx

A trainee is not allowed to do any of the following:

1. Use any pesticide except under the direct on-site supervision of an individual who is certified and licensed to perform the functions for which the trainee is being trained.
2. Direct the use of pesticides.
3. Engage in any category of pesticide use that is not identified in the trainee registration.
4. Use any restricted-use pesticide.
5. Engage in aquatic pest control, including "mosquito larvaciding".
6. Use any soil fumigant, or apply any pesticide by aircraft or chemigation.

An employer filing a trainee registration form must provide a true copy (i.e. one of the carbon copies of the original) of that registration form to the trainee. The trainee must carry the registration form when engaged in any activity for which licensing and certification would be required if the individual were not registered as a trainee.

HOW TO BECOME A CERTIFIED COMMERCIAL PESTICIDE APPLICATOR

Wis. Admin. Code § ATPC 29.26

To apply for certification as a commercial pesticide applicator, an individual must:

1. **Obtain certification training** in the appropriate pesticide certification category from the University of Wisconsin – Extension Pesticide Applicator Training Program.

- a. Order a self-study manual that may be obtained by contacting the University of Wisconsin - Extension. The cost of this manual is \$45.

OR

- b. Pre-register to attend a live Training/Exam session. Dates and locations are available on a limited schedule. This option will include the required training manual.

Mail

University of Wisconsin - Extension,
Pesticide Applicator Training,
Department of Agronomy
1575 Linden Drive
Madison, WI 53706-1597

Phone

(608) 262-7588

Internet

<http://ipcm.wisc.edu/PAT>

Email

PATprogram@mailplus.wisc.edu

2. **Pass the certification exam.** Once you have adequately studied the training material, schedule your certification exam with DATCP Certification and Licensing Program {Test only, no training given} online or by phone:

Online Exam Scheduling

<http://pestexam.datcp.wi.gov/>

Phone

(608) 224-4548

Certification Exam

An individual shall demonstrate practical knowledge and competency in a pesticide application certification category by scoring at least 70 percent on a written, closed-book examination administered by the Department. Certification is valid for five years after passing the exam. There is a specific exam for each certification category.

Retesting Applicants Who Do Not Pass the Certification Exam

An individual who does not pass their initial examination may retake the exam no sooner than 24 hours later on a regularly scheduled exam date. An individual who fails a second or third exam may retest no sooner than 30 days after their failed exam. An individual who fails four exams in any category in any six month period may not retake the exam for at least 6 months following the date of the last failed exam.

Certification Card

An individual commercial applicator shall carry a current certification card when engaged in any activity for which certification is required. The certification card contains the applicators name, certification number, certification category, and certification expiration date.

COMMERCIAL APPLICATION BUSINESS LICENSES

Wis. Adm. Code § ATCP 29.20

Who needs a license?

A person who either directly or through an employee, uses or directs the use of:

1. Any pesticide as an independent contractor for hire.
2. A restricted-use pesticide.

DATCP must receive the license application form and license fee prior to a business applying pesticides. Pesticide application business license applications are available at:

http://datcp.wi.gov/Plants/Pesticides/Licenses/Commercial_Applicator_Business/index.aspx

Business licenses are valid for one calendar year (Jan. 1 to Dec. 31). Licenses are not transferable to another person or premise (address site).

"Person" means an individual, corporation, partnership, cooperative association, limited liability company, trust or other organization or entity. "Person" includes a county or local government entity, but does not include a state or federal government entity.

Definition from ATCP 29.01(26)

Notify DATCP when a new business location is added or when there are significant changes to your current license, e.g. move to a new location. Contact DATCP at (608) 224-4548 or datcppesticideinfo@wi.gov

What is a considered a business location?

1. A site from which the person operates on a regular basis as a pesticide applicator for hire, including any site at which the person regularly takes orders for pesticide applications. A motorized vehicle from which a person takes orders by a mobile phone is not a site under this definition.
2. A site, or a group of sites located within ½ mile of each other, at which a person mixes or loads a total of at least 1,500 pounds of pesticide active ingredient, excluding active ingredients applied at or immediately adjacent to the mixing or loading site.

Are there any exemptions for business licenses?

Yes, the following persons are not required to obtain a license:

1. A government entity.
2. An individual employed by a person licensed under the above who uses or directs the use of pesticides solely on behalf of that employer and not on the individual's own behalf.
3. A person applying pesticides as part of a medical treatment provided by a licensed medical practitioner, or as part of a veterinary treatment provided by a licensed veterinary practitioner.
4. A person applying pesticides in the laboratory in the course of bona fide laboratory research.
5. A person applying germicides, sanitizers or disinfectants.

INDIVIDUAL COMMERCIAL APPLICATOR LICENSES

Wis. Adm. Code § ATCP 29.25

Who needs a license?

A certified pesticide applicator must have a license from the Department to use or direct the use of:

1. Any pesticide as an independent contractor for hire, or as an employee of an independent contractor for hire.
2. A restricted-use pesticide.

DATCP will not license anyone less than 16 years old.

Individual licenses are valid for one calendar year (Jan. 1 to Dec. 31) and is not transferable between persons. Applicators shall carry the license when involved in commercial pesticide work.

DATCP must receive the license application form and license fee prior to an individual working as a commercial applicator. License application forms are available at:

http://datcp.wi.gov/Plants/Pesticides/Licenses/Commercial_Applicator_License/index.aspx

Inform DATCP of address changes that occur during the license period.

Are there any exemptions for the individual license?

Yes, a license is not required for any of the following:

1. A health practitioner who uses or directs the use of a pesticide as part of a medical treatment which that practitioner is licensed to provide in this state.
2. A veterinarian affiliated with a veterinary clinic whose operator holds a permit under Wis. Adm. Code § ATCP 29.23, who uses or directs the use of a pesticide as part of a veterinary treatment which the veterinarian is licensed to provide in this state.
3. An animal technician affiliated with a veterinary clinic whose operator holds a permit under Wis. Adm. Code § ATCP 29.23, who uses a pesticide as part of veterinary treatment which that technician is certified to provide under Wis. Stats. § Ch. 453.
4. A laboratory researcher who uses or directs the use of pesticides only in the laboratory as part of a bona fide laboratory research project.
5. An individual who only uses or directs the use of germicides, sanitizers or disinfectants.
6. An employee of a pesticide application business licensed under Wis. Adm. Code § ATCP 29.20, who applies pesticides only to property owned or controlled by that pesticide application business, and who applies no restricted-use pesticides.

STORING, TRANSPORTING, HANDLING AND DISPOSING OF PESTICIDES

Wis. Adm. Code § ATP 29.40

Storing and Transporting Pesticides

A person storing or transporting pesticides must do all of the following:

1. Store and transport pesticides according to label directions in a manner that avoids reasonably foreseeable and reasonably preventable hazards to person, property and the environment.
2. Store bulk pesticides according to Wis. Adm. Code §§ ATP 33.
3. Secure pesticides and pesticide containers against access by children, the general public, domestic animals and wild animals.
4. Keep pesticides adequately separated from food, feed and other products so that the pesticides will not contaminate or be mistaken for those products.
5. Thoroughly clean pesticide residues from storage areas and transport vehicles before reusing those storage areas or transport vehicles for other purposes.
6. Protect pesticide containers and labels from reasonably foreseeable damage or destruction.
7. Inspect pesticide containers when those containers are removed from their outer shipping containers, to ensure that the pesticide containers are intact and properly sealed, and that pesticide labels are intact and fully legible.

Prohibitions

No person may do any of the following:

1. Store or transport a pesticide in a manner inconsistent with the pesticide label.
2. Store or transport a pesticide in a visibly broken, defective or improperly sealed container, unless that container is enclosed in another suitable container that effectively prevents foreseeable spillage.

DISPOSAL OF PESTICIDES AND PESTICIDE CONTAINERS Wis. Adm. Code § ATP 29.47

No person may dispose of any pesticide or pesticide container, or hold any pesticide or pesticide container for disposal, in a manner that is inconsistent with the label directions, that risks contaminating waters of the state, or that creates a hazard to persons, property or the environment.

Reuse Prohibited

No person may reuse a pesticide container for any purpose. This does not prohibit the following:

1. Recycling a container for scrap in compliance with applicable law.
2. Reusing, in compliance with label directions, a pesticide container that is designed to be reused.
3. Returning a pesticide container to a pesticide manufacturer or seller who has agreed to receive the container.
4. Temporarily reusing a pesticide container to hold the same pesticide recovered from a leaking or damaged pesticide container.

Contact industry and dealers regarding a pesticide container recycling options.

CLEAN SWEEP PROGRAM

The Department manages an annual grant program for counties and municipalities wishing to collect unwanted pesticides and household hazardous wastes. For information:

http://datcp.wi.gov/Environment/Clean_Sweep/index.aspx

COMMERCIAL APPLICATIONS TO RESIDENTIAL STRUCTURES

Wis. Adm. Code § ATP 29.55

Structural applicators must provide both customers and residents specific pieces of information. Remember, a customer is not always the same as a resident; e.g. you may be hired by a landlord (the customer) and then need to leave information onsite for the tenant (the resident). Familiarize yourself with the rule's definitions and terms.

Definitions

1. "*Common area*" means an area in a residential structure that is accessible to residents but is not part of any individual dwelling unit.
2. "*Dwelling unit*" means that portion of a residential structure that is used, or designed for use, as a residence by a household.
3. "*Resident*" means any person residing in a residential structure.
4. "*Residential application*" means the application of a pesticide, other than a germicide, sanitizer, or disinfectant, to a residential structure. "Residential application" does not include an individual's application of a pesticide to a dwelling unit in which that individual resides, provided that the individual does not apply the pesticide to other dwelling units or common areas in the residential structure.
5. "*Residential structure*" means a structure used wholly or in part as a human residence, and includes all facilities and furnishings pertaining to that structure. "Residential structure" includes a residential structure occupied on a rental basis, and also includes a mobile home. "Residential structure" does not include any of the following:
 - a. A hotel, motel or similar premises occupied on a transient basis.
 - b. A hospital, nursing home or similar facility occupied by persons receiving medical care or related services.
 - c. A prison, jail or other place of detention.
6. "*Restricted entry interval*" means the time after the end of a pesticide application during which entry into the treated area is restricted.

PRE – APPLICATION INFORMATION TO CUSTOMERS

Wis. Adm. Code § ATP 29.55(2)

Before making the first residential application for the customer, the applicator must provide a written notice offering to provide pre-application information. The offer shall be repeated at least annually if there is a continuing contract for more than one year. If requested by the customer, the following pre-application information shall be provided in writing:

1. The brand name, product name or common chemical name of each pesticide that may be applied.
2. A copy of the pesticide label for each pesticide that may be applied.
3. The date on which the pesticide application will be made. The date may be orally communicated, rather than in writing, if the requester agrees to oral notification.
4. The name, business address and telephone number of a person who can provide further information about the pesticide application.

NOTICE TO RESIDENTS REQUIREMENTS

Wis. Adm. Code § ATCP 29.55(3)

The applicator shall provide the following information in writing to residents at the time of the application:

1. The name and address of the person making the application and a telephone number at which residents can obtain further information about the application.
2. The first and last name of each individual making the application and if the application is one for which the individual must be licensed, the individual's license number.
3. The brand name, product name or common chemical name of the pesticide applied.
4. The concentration and total quantity of each pesticide applied, or the amount of pesticide product applied per unit area and the total area treated.
5. Any pertinent post-application precautions stated on the pesticide label. If the label prescribes a restricted entry interval, the person making the application must also post a warning sign at each entrance to each treated area.
6. The month, day, year and approximate starting and ending time of the pesticide application.
7. Notice that a copy of the pesticide label is available upon request. The person making the residential application must provide a copy of the pesticide label to each resident who requests a copy, but may first require the requester to pay reasonable copying and postage costs if the requester is not the customer who contracted the application.

The applicator shall leave the information with an adult resident of the dwelling unit, or prominently post the information at the entrance to the dwelling unit.

A person making a residential application to any common area within a residential structure must provide the information by posting clearly legible notices in common entryways or other conspicuous locations so that all residents are likely to see the notices.

WARNING SIGNS AT APPLICATION SITES: RESTRICTED ENTRY INTERVAL

Nonagricultural Areas Wis. Adm. Code § ATCP 29.52(3) & (8)

Residential Wis. Adm. Code § ATCP 29.55(4)

If a person makes a residential application of a pesticide whose label prescribes a restricted entry interval, the applicator must post a warning sign at each entrance to the treated area. Each warning sign must be at least 8 ½ inches by 11 inches. The person making the residential application must post the warning sign before the application begins, and must not remove it until the restricted entry interval expires.

Posting is the joint responsibility of the applicator, the applicator's employer and the owner of the premise.

Warning signs must comply with all of the following:

1. Each warning sign must be at least 8 ½ inches by 11 inches.
2. The form and content of each warning sign must be identical to that shown. A warning sign may contain supplementary information beyond that shown, if the information is consistent with and does not detract from that shown.
3. Each warning sign must be constructed to resist deterioration and remain legible throughout the required posting period.
4. Warning signs must be posted before the pesticide application begins, and must remain posted for the duration of any restricted entry interval specified on the pesticide label.
5. Warning signs must be posted at the following locations:
 - a. At normal points of access to the application site.
 - b. At ¼ mile intervals along those borders of an outdoor application site that lie within 300 feet of a residence, migrant labor camp, school, playground, day care facility, health care facility,

A warning sign shall contain the following information:

- All letters shall be at least 1 inch high.
- Letter printing shall contrast with the background color.
- The words "DO NOT ENTER" may be replaced with "NO TRESPASING" or "KEEP OUT".
- Other words may be added to the sign if they do not detract from or contradict the required words.

Wis. Adm. Code § ATCP 29.52(8)



- commercial or industrial facility, public recreation area, or other nonagricultural area, except a public road, where individuals are likely to be present during the restricted entry interval specified on the pesticide label. An application site bordering an area identified under this subdivision for less than ½ mile must be posted with at least one sign.
6. If the pesticide label requires a warning sign that is different from the warning sign described above, the warning sign specified on the pesticide label must be used in place of the above warning sign.

POST – APPLICATION INFORMATION TO CUSTOMERS

Wis. Adm. Code § ATPC 29.22

After making a structural pesticide application for a customer, either directly or through an employee, the below information shall be provided to the customer in writing. If you want to provide this information electronically, the customer must consent to electronic notifications prior to the application. The information must be provided within 30 days, or immediately after the application if customer is a resident.

1. A telephone number at which the customer may contact the person.
2. The first name, last name and license number of each individual who made or directly supervised the pesticide application.
3. The site to which the pesticide was applied.
4. The specific location of the pesticide application site. (e.g., "Specific Location" means a drawing and/or diagram that is specific enough for someone, other than the applicator, to identify where the application was made.)
5. The month, day, year and approximate starting and ending time of the pesticide application.
6. The brand name or product name or common chemical name, and the federal EPA registration number of each pesticide applied.
7. At least one of the following:
 - a. The concentration and total quantity of each pesticide applied.
 - b. The amount of each pesticide applied per unit area and the total area treated,
8. Post-application precautions which the pesticide label requires of the customer. This information shall be provided in time for the customer to take the required precautions.
 - a. *For landscape applications, including adult mosquito control, the post-application information is required to be provided to the customer at the time the application is completed. [Wis. Adm. Code § ATPC 29.56(2)(c)]*
9. A free copy of the pesticide label, or notice that the customer may request a free copy. The person must provide a free copy to each customer who requests it.

This information must be provided at immediately after making a turf and landscape application. Wis. Adm. Code § ATPC 29.56(2)(c)

Rodenticide Bait Stations Are required to be marked with the following information:

- Name of business maintaining the station,
- EPA registration number of all pesticides used.

The information must remain legible as long as the station is being serviced.
Your choice - mark the interior or exterior of the bait station.

PESTICIDE APPLICATION RECORDS

COMMERCIAL APPLICATION BUSINESS RECORDS

Record of Pesticide Applications Wis. Adm. Code § ATCP 29.21(1)

A person required to be licensed must keep a legible record of each pesticide application that the person makes directly or through an employee. The person must keep the record for at least 2 years, and must make it available to the Department for inspection and copying upon request. The individual making the pesticide application must complete the required record on the day of application (See Appendix I and II).

Record Contents

A pesticide application record must include all of the following:

1. The first and last name of each individual making the pesticide application.
2. The name and address of the customer, if any, for whom the pesticide was applied.
3. The site to which the pesticide was applied.
4. The specific location of the pesticide application site. (*See the next page for more info*)
5. The month, day, year and approximate starting and ending time of the pesticide application.
6. The brand name or product name or common chemical name, and the federal EPA registration number of each pesticide applied.
7. At least one of the following:
 - a. The concentration and total quantity of each pesticide applied.
 - b. The amount of each pesticide applied per unit area and the total area treated.
8. Each location, other than a licensed business location, at which the pesticide was mixed or loaded. Mixing and loading sites do not need to be identified if the pesticide is applied directly from a prepackaged retail container, or is applied with application equipment having a total capacity of not more than 5 gallons of liquid pesticide or 50 pound dry pesticide.

INDIVIDUAL COMMERCIAL APPLICATOR RECORDS

Records Wis. Adm. Code § ATCP 29.33(1)

An individual who is required to be licensed as a commercial applicator must make a record of each pesticide application for which that license is required. The individual must make the record on the day of the application and keep the record for at least 2 years, unless the individual is employed by a commercial application business that keeps the record (See Appendix I and II).

Record Contents. Wis. Adm. Code § ATCP 29.33(3)

A pesticide application record must include all of the following:

1. The first and last name of each individual making the pesticide application.
2. The name and address of the customer, if any, for whom the pesticide was applied.
3. The site to which the pesticide was applied.
4. The specific location of the pesticide application site. (*See next page for more information*)
5. The month, day, year and approximate starting and ending time of the pesticide application.
6. The brand name or product name or common chemical name, and the federal Environmental Protection Agency (EPA) registration number of each pesticide applied.
7. At least one of the following:
 - a. The concentration and total quantity of each pesticide applied.
 - b. The amount of each pesticide applied per unit area and the total area treated.

8. Each location, other than a licensed business location, at which the pesticide was mixed or loaded. Mixing and loading sites do not need to be identified if the pesticide is applied directly from a prepackaged retail container, or is applied with application equipment having a total capacity of not more than 5 gallons of liquid pesticide or 50 pound dry pesticide.

RECORDING THE SPECIFIC APPLICATION LOCATION

You may design your own method of recording a pesticide application, provided the record is legible and meets the intent of the rule. The written record must be understandable, accurate and detailed enough so someone who did not observe the application would be able to locate the site using only your record.

There are several reasons for this level of detail, including: the record allows one to retrieve a pesticide sample in case of an emergency involving a suspected overexposure to humans or other animals, it enables one to monitor a bait for pest activity and replenish the product when necessary, and it is used by the Department's compliance section to sample treated areas for enforcement purposes. It also provides a record for other technicians to refer to if more than one technician services the same account. Since you are also required to provide the same information to your customers, it allows them to avoid the treated area or remove the product if they choose.

Properly documented application records have also proven useful to PMP's in cases where customers have complained to the Department about pesticide misuse. In these situations the field investigator used the business' record to sample the treated surface and verify the pesticide was used according to label directions.

There is no specific requirement for a floor plan, map or diagram. What is required is a description that clearly indicates which areas were treated. For example, if all the baseboards in the kitchen were treated, then the record should state, "*treated baseboards in kitchen.*" If the application occurred in a bathroom for instance, then "*treated baseboards behind toilet and under cabinets*" is sufficient. If a space treatment is performed with a total release fogger, then the room where the fogger was placed must be specified e.g., kitchen, living room, or bathroom.

To indicate the specific location where a bait station was placed, the description needs to be more specific than "*Placed bait stations in 40,000 square foot warehouse*". The record must be detailed enough to know where each station was placed. If an applicator wants to use a diagram they may do so

PESTICIDE PERMITS FOR AVIARY AND SMALL MAMMAL CONTROL

Aviary Applications

Before making pesticide applications for the control of: Grackles, Red-Winged Blackbirds, Feral Pigeons, House Sparrows, Starlings, and other birds, a Repel and Destroy Wild Birds Permit Application must be completed by the business making the pesticide application, and approved by a regional Department of Natural Resources (DNR) representative.

Small Mammal Applications

Use of baits containing active ingredients Strychnine or Sodium Fluoracetate (1080) for the control of: Pocket Gophers, Moles, Rats, Mice and other small mammals require a special use permit. A Pesticide Purchase and Use Permit Application for Small Mammal Control must be completed by the business making the pesticide application, and approved by a regional DNR wildlife representative.

A flowchart outlining these special permit requirements is found in the appendix of the UW PAT Structural Pest Control Training Manual

STRUCTURAL APPLICATORS WHO MAKE SPOT TURF AND LANDSCAPE APPLICATIONS

Wis. Adm. Code § ATPC 29.56

Structural Applicators may conduct spot or directed applications greater than 10 feet from a structure to control structural, household or nuisance pests such as ants, fleas, wasps, bees and hornets. Applications in landscapes to control arthropod pests must be posted in compliance with ATPC 29 requirements specific to landscape applications.

"Landscape" means turf, ornamental and mulched areas, and areas being prepared for those purposes, that are located in or around residential premises, public or commercial facilities, parks, workplaces, care facilities, recreational areas and public lands. "Landscape" does not include utility or transportation right-of-way areas, greenhouses, nurseries, or areas used for agricultural production, forest production or commercial turf production.

Refer to the DATCP Turf and Landscape Pest Control Applications: How to Comply Manual for more details about these landscape applications requirements.
http://datcp.wi.gov/Plants/Pesticides/Pest_Application_Pubs/index.aspx

"Landscape applications" means the application of a pesticide to a landscape. "Landscape application" does not include any of the following:

- Pesticide applications for the purposes Forest Pest Control or Termite Control.
- A perimeter barrier application made on or within 10 feet of a building or structure to prevent or discourage pests from entering that building or structure.
- Mosquito control applications made by a government entity for public health purposes.
- Pesticide applications made by the department or its agent under relevant statutes.

IF YOU MAKE LANDSCAPE APPLICATIONS YOU MUST DO ALL OF THE FOLLOWING

Pre – Application Information to Customers. Wis. Adm. Code § ATPC 29.55(2)

The applicator must provide the customer with the pre-application information described on page 11 and Appendix III of this guide.

Advance Notice to Registered Individuals Wis. Adm. Code § ATPC 29.56(8)

Before making a spot turf and landscape application to a site, the application business is required to give at least 12 hours advance notice to every individual who is currently registered to receive notice of an application at that specific property. Four specific items must be provided by telephone, mail or delivered to the individual before the landscape application is made. If the landscape pesticide application date is changed after giving notices, a revised notice must be given to each individual previously notified.. Businesses can use a searchable on-line database to retrieve registry information. The registry will be available online by March 1, each year. <http://datcpservices.wisconsin.gov/landreg/index.jsp>

Post – Application Information to Customers Wis. Adm. Code § ATPC 29.22

Must be provided at the time of the application.

Required elements are described on page 13 of this guide.

Information Provided Upon Request Wis. Adm. Code § ATPC 29.56(6)

If requested, an applicator shall provide any person six pieces of information relevant to their landscape application.

Posting Warning Signs for Landscape Application

Wis. Adm. Code § ATPC 29.56(3)

Before making a landscape application, warning signs must be posted at access points to the application site. ATPC 29 mandates the type of warning sign to post, and requires specific language on the sign.



DATCP CONTACTS AND INFORMATION

Certification and licensing forms

Available by mail, e-mail or online at <http://datcp.wi.gov>

- Individual Commercial Applicator License Application
- Commercial Pesticide Application Business License Application
- Temporary Commercial Applicator Trainee Registration Application
- Reciprocal Pesticide Applicator Certification and License Application

Applicators, Businesses, Dealers and Registered Pesticides

A searchable database is available at: <http://datcp.wi.gov>

Bulk Pesticide and Fertilizer Storage

608-224-4518

Certification and Licensing Personnel

Michael Murray
Program Manager
Phone: (608) 224-4551
michael.murray@wisconsin.gov

Bonnie Bruns
Program Associate
Phone: (608) 224-4548
bonnie.bruns@wisconsin.gov

Schedule an applicator certification exam:

Register yourself online at:
<http://pestexam.datcp.wi.gov>

OR

Call DATCP at 608-224-4548

Shelby Richardson
Program Associate
Phone: (608) 224-4552
shelby.richardson@wisconsin.gov

Mailing Address

Department of Agriculture, Trade and Consumer Protection
Division of Agricultural Resource Management
Pesticide Certification and Licensing
PO Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4548,
Fax: (608) 224-4656,
datcppesticideinfo@wi.gov

Spills Hotline, DNR
(800) 943-0003

DNR Contact Information
<http://dnr.wi.gov/>

Please report any suspected pesticide use violations to DATCP

(608) 224-4500 or datcppesticideinfo@wi.gov.

Appendix I – CHECKLIST FOR DEVELOPING CUSTOMER SERVICE TICKETS FOR COMMERCIAL PESTICIDE APPLICATIONS

Many pesticide applicators and businesses (including sole proprietors) use a multiple – copy (e.g., carbon copy), invoice or receipt.

The following administrative code citations list the required information for pesticide application record keeping and post-application information to customers.

- Wis. Admin. Code § ATCP 29.21 Pesticide Application Records
- Wis. Admin. Code § ATCP 29.22 Post-Application Information to Customers
- Wis. Admin. Code § ATCP 29.33 Applicator Records

To fulfill all of the leave behind information and record keeping requirements, each item listed below must be included, in writing, on each record. Applicators must complete the record on the day of the application, providing one copy to the customer *at the time of the application*, while retaining a duplicate copy for record keeping purposes.

- ⇒ Telephone number at which the customer may contact the business (including sole proprietor) or applicator.
- ⇒ The first name, last name and license number of each individual who made or directly supervised the pesticide application. Add an addendum if more space is required.
- ⇒ The name and address of the customer, if any, for whom the pesticide was applied.
- ⇒ The site to which the pesticide was applied.
- ⇒ The specific location of the pesticide application site. The specific location of the pesticide application site. (e.g., "Specific Location" means a drawing or description that is specific enough for someone, other than the applicator, to identify where the application was made.)
- ⇒ The month, day, year and approximate starting time and ending times of the pesticide application.
- ⇒ The brand name or product name or common chemical name, and the federal Environmental Protection Agency (EPA) registration number for each pesticide applied.
- ⇒ One of the following:
 - ◆ The concentration and total quantity of each pesticide applied.
 - ◆ The amount of each pesticide applied per unit area and the total area treated.
- ⇒ Each location, other than a business location licensed under Wis. Admin. Code § ATCP 29.20, at which the pesticide was mixed or loaded. Mixing and loading sites do not need to be identified if the pesticide is directly applied from a prepackaged retail container, or is applied with application equipment having a total capacity of not more than 5 gallons of liquid pesticide, or 50 pounds of dry pesticide.
- ⇒ Post-application precautions which the pesticide label requires of the customer. This information shall be provided in time for the customer to take the required precautions.
- ⇒ A free copy of the pesticide label, or notice that the customer may request a free copy. The business (including sole proprietor) shall provide a free copy to each customer who requests it.

Write legibly.

Appendix II – EXAMPLE PESTICIDE APPLICATION RECORD

Pesticide Application Record & Post-App Info to Customer

Date of Application: ____ / ____ / ____ Start Time: ____ End Time: ____
Mo / Day / Year (circle) A.M. or P.M. (circle) A.M. or P.M.

Applicator

Name: 1. ____ License #: ____ - CA
Name: 2. ____ License #: ____ - CA

Mix & Load Address: ____
Business Phone: ____

Customer

Name: ____ Phone: ____
Address: ____

City: ____ State: ____ Zip Code ____

Treated Site

Address/Location of Application: ____

Specific Location & Exceptions: (enter details, e.g. treated baseboards in kitchen)

Spot Treatment: (If applicable: i.e. 10%, 20%, 30%, record best estimate) ____

Pesticide Product(s) Used / Application Information

Trade Name: ____
EPA#: ____

Application Rate: ____ Total Amt. Applied: ____
(Refer to the next page for examples)

Trade Name: ____
EPA#: ____

Application Rate: ____ Total Amt. Applied: ____

POST APPLICATION PRECAUTIONARY STATEMENT

~ You must provide the precautionary statement that is on the pesticide label as it relates to the specific site of application.

Example language - *Do not enter or allow people or pets to enter the treated area until sprays have dried.*

***A FREE COPY OF THE PESTICIDE LABEL(S) IS AVAILABLE UPON REQUEST**

Phone/ (262) 878-0000 Fax (262) 878-0001 P.O. BOX 1 City, WI mybusiness@email.com

Appendix II – EXAMPLE PESTICIDE APPLICATION RECORD, CONTINUED

PESTICIDE RATE SHEET

Select a record keeping model from either Example A or Example B. The following examples will show you how to record the amount of each product that has been applied. Be consistent.

EXAMPLE - A

CONCENTRATION* and TOTAL QUANTITY OF PESTICIDE APPLIED

- Liquid 2% solution 25 gallons applied
- Liquid 2 qt. per 100 gal. 10 gallons applied
- Granular 0.15% 45 pounds applied

EXAMPLE - B

PESTICIDE APPLIED PER UNIT AREA* and TOTAL AREA TREATED

- Liquid 2 oz. per 1000 sq. feet 25000 sq. feet
- Liquid 3 pints per acre 5 acres
- Granular 2.75 pounds per 1000 sq. feet 25000 sq. ft.

Appendix III – EXAMPLE NOTICES FOR CUSTOMERS AND RESIDENTS

PRE-APPLICATION NOTICE TO CUSTOMER

Before we apply any pesticides to your property, we will provide you with any of the following information that you request:

Give to customer before the application
Wis. Adm. Code § ATCP 29.55(2)(b)

- The common chemical or brand name of each pesticide that may be applied.
- A copy of the pesticide label for each pesticide that may be applied. The label will tell you the pesticide active ingredient, use direction and safety precautions.
- Each date on which pesticides will be applied.
- A contact name, address and telephone number where you can obtain further information about the pesticide application.

If you want, we will provide this information in writing before making the application.

POST-APPLICATION INFORMATION TO CUSTOMER

When the application is completed, the person making the application must provide your customer with the following information:

Give to the customer within 30 days, *unless* customer is also a resident, or immediate precautions must be provided, then provide info at the time of the application

Wis. Adm. Code § ATCP 29.55(2)(C) & 29.22

- Telephone number to contact our business.
- The name and license number of the individuals who made the application.
- The specific location of where pesticides were applied.
- The date, with start and stop times of the pesticide application.
- The chemical name, brand name and EPA registration number for each pesticide applied.
- The amount of pesticide applied.
- Post-application precautions you should observe.
- If requested, a free copy of the pesticide label will be provided.

NOTICE TO RESIDENTS

- Name and contact information for your business
- The same 9 pieces of information provided in the post-application information to customer.

Provide at the time of the application

Wis. Adm. Code § ATCP 29.55(3)

Appendix IV – Clarifications for Pesticide Treatments that Overlap Certification Categories

Pest	Application Type	Landscape Application	Category	
			3.0	6.0 7.1
Weeds	Selective or nonselective control in any landscape (including fence lines) more than 10 feet from a structure.	Yes	✓	
	Selective or nonselective control within 10 feet of a structure for aesthetic purposes.	Yes	✓	
	Nonselective control within 10 feet of a structure to remove habitat for structural pests.	No		✓
	Nonselective control in right-of-way sites (e.g., substations, parking lots, sidewalks, driveways; but NOT power lines, or roadsides), or selective or nonselective control in median strips.	Yes	✓	
	Selective or nonselective control in other right-of-ways.	No		✓
	Nonselective control in non-landscape industrial settings (e.g., lumberyards)	No	✓	
Insects and wasps, rodents)	Spot or directed application within a landscape to control structural, household, or nuisance pests (e.g., ants, wasps, rodents).	Yes		✓
Rodents	Application to the base of a structure AND to plants or ground within 10 feet of the structure to control structural, household or nuisance pests.	No		✓
	Application to plants or ground within 10 feet of a structure (but NOT to the structure itself) to control structural, household, or nuisance pests.	No		✓
	Application to plants or ground within 10 feet of a structure to control landscape pests.	Yes	✓	
	Any other landscape application.	Yes	✓	
	Spot or directed application in parking lots, sidewalks, driveways, and similar non-landscape areas to control structural, household, or nuisance pests (e.g., ants).	No		✓

"Landscape" means turf, ornamental and mulched areas, and areas being prepared for those purposes, that are located in or around residential premises, public or commercial facilities, parks, workplaces, care facilities, recreational areas, and public lands. It does not include utility or transportation right-of-ways, greenhouses, nurseries, or areas used for agricultural production, forest production, or commercial turf production.

"Landscape application" means the application of a pesticide to a landscape, but does not include the application of a pesticide on or within 10 feet of a structure to prevent or discourage pests from entering that structure. See s. ATP 29.56(1)(e) Wis. Adm. Code for additional exemptions.

Landscape applications must be posted according to s. ATP 29.56(3) Wis. Adm. Code, except that posting is required for 72 hours on public school grounds. All other applications on public school grounds must also be posted for 72 hours.